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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Yukio KUNIEDA et al.

Title: ORDER ASSEMBLY PRODUCTION
SYSTEM AND METHOD

Appl. No.: 10/028,996

Filing Date: 12/21/2001

Examiner: Unassigned

Art Unit: Unassigned

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CERTIFICATE OF MAILING

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Commissioner:

I hereby certify that the following paper(s) and/or fee along with any attachments referred to or identified as being attached or enclosed are being deposited with the United States Postal Service as First Class Mail under 37 C.F.R. § 1.8(a) on the date of deposit shown below with sufficient postage and in an envelope addressed to the Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450.

1. Information Disclosure Statement
2. PTO/SB/08 form (3 references enclosed)
3. Postcard

Respectfully submitted,

David A. Blumenthal
Reg. No. 26,257

December 23, 2003
Date

Foley & Lardner
3000 K Street, N.W., Suite 500
Washington, D.C. 20007-5109
Telephone: 202-672-5300
Facsimile: 202-672-5399



Atty. Dkt. No. 088485-0203

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INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §1.56

Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

Sir:

Submitted herewith on a modified Form PTO SB/08 is a listing of document(s) known to Applicant in order to comply with Applicant's duty of disclosure pursuant to 37 C.F.R. § 1.56. A copy of the listed document(s) is being submitted to comply with the provisions of 37 C.F.R. §§ 1.97-1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 C.F.R. § 1.56(b). Applicant does not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* prior art reference against the claims of the present application.

TIMING OF THE DISCLOSURE

The instant Information Disclosure Statement is being filed before the mailing date of a first action under the provisions of 37 C.F.R. § 1.97(b)(3). In the alternative, the instant Information Disclosure Statement is being filed under the provisions of 37 C.F.R. § 1.97(c)(1).

STATEMENT UNDER 37 C.F.R. § 1.97(e)

The undersigned hereby states in accordance with 37 C.F.R. § 1.97(e)(1) that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to the filing of this Statement and that this Statement is being filed within 30 days of receipt of said communication.

RELEVANCE OF EACH DOCUMENT

The documents listed on the attached PTO/SB/08B were cited as being relevant during the prosecution of the corresponding Japanese application. A translation of relevant portions of the Japanese Office Action is attached. A copy of an English language abstract of the listed documents, if available, is being provided. The absence of a translation or an English-language counterpart document does not relieve the PTO from its duty to consider this document (37 C.F.R. § 1.98 and M.P.E.P. § 609).

It is believed that the instant information disclosure statement is being filed prior to the mailing date of any Notice of Allowance or Final Office Action. However, if this information disclosure statement is filed after the mailing date of the Notice of Allowance or Final Office Action, then applicant(s) hereby request(s) and authorize(s) the PTO to charge the fee under 37 CFR 1.17(p) to Deposit Account No. 19-0741.

Applicant respectfully requests that any listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with M.P.E.P. § 609.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872.

Respectfully submitted,

Date December 23, 2003

FOLEY & LARDNER
Customer Number: 23392
Telephone: (310) 975-7895
Facsimile: (310) 557-8475

By 

David A. Blumenthal
Attorney for Applicant
Registration No. 26,257

(Translation)

Mailed: November 18, 2003

NOTIFICATION OF REASONS FOR REJECTION

Patent Application No.: 2000-400823

Examiner's Notice Date: November 10, 2003

Examiner: Y. Wada

This application is rejected on the grounds stated below. Any opinion about the rejection must be filed within 60 DAYS of the mailing date hereof.

REASONS

1. The inventions according to claims indicated below in the present application are unpatentable as failing to satisfy the requirements under Section 29 (1) of the Patent Law in respects stated below.
2. The application fails to satisfy the requirements under Section 36 (6) of the Patent Law, on the grounds that the claims are defective in a respect stated below.
3. The inventions according to claims indicated below in the present application are unpatentable under Section 29 (2) of the Patent Law, as being such that the inventions could easily have been made by a person with ordinary skill in the art to which inventions pertain, on the basis of the inventions described in publications, indicated below, distributed in Japan or a foreign country prior to this application.

REMARKS

(1) [Reason 1]

Re: Claims 1-14

Even if a computer or the like is used, claims 1-14 merely teach substantially artificial arrangement in which an order is made in stages. Their inventions do not create a technical concept using natural law.

In addition, claims 3-4 and 9-14 teach a built-to-order method comprising a number of steps. However, as stated in item (2), it is unclear what is a

subject for a series of operations. If the subject is a person, the matter which can be wholly grasped with respect to the matter taught in claims 3-4 and 9-14 is a mere artificial arrangement, and does not correspond to creation of a technical concept utilizing natural law.

(2) [Reason 2]

Re: Claims 3-4 and 9-14

Claims 3-4 and 9-14 teach a built-to-order method comprising a number of steps. However, it is unclear whether the subject for a series of operations is a person or a thing. Claims 3-4 and 9-14 are therefore unclear.

(3) [Reason 3]

Re: Claims 1-14

References 1-3 indicated below are applicable to claims 1-14.

References 1-3 each discloses a built-to-order system in which forecast data, an inventory instruction in which the data is amended, and an instruction for taking parts out of storage are present to a part vendor.

If an amendment is made, a reason for making it should be given in a written opinion. In addition, an amendment giving rise to new matter should not be made.

References Cited:

1. Hiroyuki Hirano, "Iconographical MRP Terms 500 Selection You Can Talk About Production Management", The Nikkan Kogyo Shimbun Ltd., 1997, p. 63
2. Jpn. Pat. Appln. KOKAI Publication No. 3-142666
3. Jpn. Pat. Appln. KOKAI Publication No. 6-97089

Prior Art Search Report

Searched Field: IPC seventh ed. G05B19/418 G06F17/60 B23Q41/08

The result of this prior art search does not constitute the reasons for rejection.

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449B/PTO		Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT Date Submitted: December 23, 2003 <i>Please use as many sheets as necessary</i>		Application Number 10/028,996 Filing Date 12/21/2001 First Named Inventor Yukio Kunieda Group Art Unit Unassigned Examiner Name Unassigned Attorney Docket Number 088485-0203	
Patent & Trademark Office	1	of	1

U.S. PATENT DOCUMENTS

FOREIGN PATENT DOCUMENTS

NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ⁶
	A3	Hiroyuki Hirano, "Inconographical MRP Terms 500 Selection You Can Talk About Production Management", The Nikkan Kogyo Shimbun Ltd., 1997, p. 63	100-00000000 JAN 03 2004 100-00000000

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ²See attached Kinds of U.S. Patent Documents. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST 3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.

⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, PO Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450.